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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0207
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE
RUEHPB/AMEMBASSY PORT MORESBY IMMEDIATE 3221
RHEHNSC/NSC WASHDC IMMEDIATE
RUEAWJB/DEPT OF JUSTICE WASHDC IMMEDIATE
RHMCSUU/FBI WASHINGTON DC IMMEDIATE
RHHMUNA/CDR USPACOM HONOLULU HI IMMEDIATE

UNCLAS JAKARTA 011585

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FBI PLS PASS CTD/ITOS I, CTD/ITOS II, GOU
STATE FOR EAP/MTS, DS/DSS, DS/IP/EAP/, DS/EAP/ITA,
CA/OCS/ACS

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [ASEC](#) [CASC](#) [KJUS](#) [PHUM](#) [ID](#)

SUBJECT: DEFENDANTS' HUNGER STRIKE DELAYS TIMIKA TRIAL

REF: A. JAKARTA 11342 (DEFENDANTS WALK OUT)

[1](#)B. JAKARTA 11145 (AMCITS TESTIFY AT TIMIKA TRIAL)

[1](#)1. (U) On September 19, the Central Jakarta court was scheduled to hear testimony from Indonesian military personnel who arrived on the scene of the August 31, 2002 ambush near Timika, Papua in which two Amcits and one Indonesian citizen were killed. Since the last session, the prosecution decided that calling a third FBI witness would be unnecessary. His testimony is being submitted in written form (ref. A). Victim witnesses Patsy Spier and Steven Emma were present at the session.

[1](#)2. (U) Although the defendants were present in the courtroom, Johnson Penjaitan, their counsel, objected that they were too weak from their five-day long hunger strike to participate in the trial. Penjaitan further said that he had not had access to his clients prior to the session to determine their state of health. Penjaitan requested that the trial be deferred due to his defendants, weakened condition. Prosecutors urged that the session continue, noting that witnesses had been brought from Surabaya. The judge granted the defense request and advised that Panjaitan persuade his clients to eat. The trial would recommence on Friday September 22, regardless of the defendants, condition, the judge said.

[1](#)3. (SBU) Comment. So far, the defense has made no attempt to refute the evidence and testimony presented, and is instead resorting to stalling tactics and procedural maneuvering. Panjaitan may be hoping to appeal a guilty verdict on procedural grounds. The judge is probably aware of this possibility and therefore granted the defense request in order to deny the defendants an opportunity to claim later that she had been biased against them. End comment.

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